

**FILED**

APR 28 2006

CLERK OF DISTRICT JUDGE  
DISTRICT OF NEVADA

BY \_\_\_\_\_ DEPUTY

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Attorneys for Plaintiff

## UNITED STATES DISTRICT COURT

## DISTRICT OF NEVADA

IN THE MATTER OF THE SEARCH OF: )

No. 3:06-MJ-0023-VPC )

The Residence Located at 12720  
Buckthorne Lane, Reno, Nevada, and  
Storage Units 136, 140, 141, 142, and 143,  
Double R. Storage, 888 Maestro Drive,  
Reno, Nevada )

**GOVERNMENT'S PARTIAL  
COMPLIANCE WITH COURT  
ORDER OF APRIL 19, 2006**

COMES NOW, the United States of America, by and through DANIEL G. BOGDEN, United States Attorney, and PAUL L. PUGLIESE, Assistant United States Attorney, and certifies that this response is being filed in a timely manner.

In the Court's minute order of April 19, 2006, counsel for the parties were directed to file briefing on four issues. The Government's response to the first issue is provided below. The Government anticipates that the information provided in the redacted affidavits in support of search warrants will provide Counsel for the Montgomerys with information that may be helpful in drafting their briefings in response to the Court Order of April 19, 2006. As such, the Government does not oppose allowing Counsel for the Montgomerys with an opportunity to supplement their filings, if needed, provided the Government receives any matters for consideration by the Court no later than 1:30 p.m. on Tuesday, May 2, 2006.

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1 **1. Whether the affidavit accompanying the search warrant must remain sealed in its entirety**  
2 **in order to further compelling government interests that cannot be served by less restrictive**  
3 **means.**

4 Two separate affidavits were submitted by Special Agent Mike West to the Court in support  
5 of six separate search warrants. The first affidavit was submitted on February 28, 2006, in support of  
6 the application for search warrant in the matter of the search of 12720 Buckthorn Lane, Reno,  
7 Nevada. The second affidavit was submitted on March 3, 2006, in support of the applications for  
8 five separate search warrants in the matters of the searches of Storage Units 136, 140, 141, 142, and  
9 143, Double R Storage, 888 Maestro Drive, Reno, Nevada. This affidavit incorporated by direct  
10 reference the contents of the February 28, 2006, affidavit and added additional information for  
11 consideration by the Court.

12 In response to the Court's minute order of April 19, 2006, the two affidavits were reviewed  
13 for material that may not be unsealed without the ill consequences identified in the Government's  
14 Response to the Motion to Unseal, i.e., expose witnesses who have provided evidence regarding  
15 potential criminal violations, identify investigative techniques being used in this matter prior to  
16 completion of the investigation, interfere with the identification of other suspects, and interfere with  
17 the recovery of equipment that may contain evidence of criminal violations. Such material has been  
18 redacted and the remainder of the affidavits are being provided to the Court, separately, for approval  
19 to release to Counsel for the Montgomerys.

20 Dated: April 28, 2006

21 Respectfully submitted,  
22 DANIEL G. BOGDEN  
23 United States Attorney

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25 PAUL L. PUGLIESE  
26 Assistant United States Attorney  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that she is an employee in the office of the United States Attorney for the District of Nevada and is a person of such age and discretion as to be competent to serve papers. That on April 28, 2006, she served a copy of the attached response by facsimile to the person hereinafter named, at the number below, which is the last known facsimile number.

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Counsel for Dennis and Brenda Montgomery and the Montgomery Family Trust

  
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DIANA SMITH